

IOPFDA

DFARS Case 2002-D003

Defense Federal Acquisition Regulation Supplement (DFARS)

Implementation of Section 811 of the Fiscal Year 2002 National Defense Authorization Act

June 24, 2002

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incorporate the clarifications we have listed. These are clarifications that we believe were the intent of Congress. As currently drafted, the interim rule still provides FPI with a definite competitive advantage over the private sector and especially our industry, which loses out on hundred of millions of dollars in potential business because of a statute that has clearly outlived its usefulness.

The final issue we would like to address is that of micro-purchases. Through reading some of the statements submitted a concern was raised that Section 811 would apply to micro-purchases. If this is the correct interpretation, we would disagree. Currently anything procured under \$2,500 is considered a micro-purchase and can be purchased through the competitive process (without waivers from FPI). We believe that even with the implementation of Section 811 this is and should continue to be the case. We do not read that interpretation into Section 811, but because it was referenced in other comments, we felt it appropriate to reaffirm our reading of the rule. If this does in fact change the micro-purchase procedures can you please inform us and at that time we would like to submit additional comments on that point.

We appreciate the opportunity to submit these comments and would be happy to discuss this issue with you further should you deem it necessary for clarification on any of the points referenced in our submission.

Respectfully,

Paul A. Miller

Director of Government Affairs